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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,372

03/26/2004

George T. Domizio

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BACHMAN & LAPOINTE, P.C.

900 CHAPEL STREET

SUITE 1201

NEW HAVEN, CT 06510

EXAMINER

REESE, DAVID C

ART UNIT

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MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/811,372	Applicant(s) DOMIZIO, GEORGE T.	
	Examiner David C. Reese	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11,13-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,6,7,9,10,13-15,17 and 18 is/are allowed.
- 6) ☒ Claim(s) 7 and 11 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of subject matter from claim 11 is withdrawn after further examination in view of the previously presented art of Malks.

THIS NON-FINAL ACTION IS RESPONSIVE TO THE AMENDMENT FILED 12/19/2007.

- Claims 5, 12, and 16 were canceled.
- Claims 1, 11, and 13 were amended.
- Claims 1-4, 6-11, 13-15, and 17-18 are pending.

Claim Rejections - 35 USC § 102

[1] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[2] Claims 7 and 11 are rejected under 35 U.S.C. 102(b) as anticipated by Malks, US-5,186,591, because the invention was patented or described in a printed publication in this or a

foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

The shape and appearance of Malks is identical in all material respects to that of the claimed design, *Hupp v. Siroflex of America Inc.*, 122 F.3d 1456, 43 USPQ2d 1887 (Fed. Cir. 1997).

As for Claim 11, Malks discloses of a bolt (figs. 4-5), comprising:

a head portion (54) having a central portion (54), a rounded end extending from one end of the central portion and at least one wing (58) flexibly extending laterally with respect to a longitudinal axis of the central portion (54), and further comprising a longitudinal slot (56) disposed along the central portion (54); and

a thread protector portion (58) comprising a threaded member (64) having a slotted (top of 62) head (64), the thread protector (58) being releaseably (via 72, 74) connected to the central portion (54), further comprising at least one longitudinal cutout (62) positioned along the thread protector (58), wherein the at least one longitudinal cutout (62) extends from a rear edge of the thread protector (58) toward the slotted head (56), wherein the longitudinal cutout (62) ends before reaching the slotted head (56) (62 ends before reaching (56)).

Re: Claim 7, wherein the at least one wing (58) is hingedly mounted to the central portion (45) at a hinged connection.

Response to Arguments

[3] Applicant's amendment to claim 1 filed 12/19/2007 regarding rejections under 35 U.S.C. 102 have been fully considered. Due to the amendment to the claim, the prior art fails to further anticipate. Accordingly, the Examiner has withdrawn the previous rejections over Malks with

regard to claim 1.

Allowable Subject Matter

[4] Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As for Claims 8, the prior art, incorporating other corresponding limitations as set forth above, does not teach the prior art fails to disclose of a forward facing portion of the wing extending forward from the hinge connection, and a rearward facing portion of the wing extending rearwardly from the hinge connection.

Claims 1-4, 6, 9, 10, 13-15, 17 and 18 are allowed.

Reasons for Allowance

[5] The following is an examiner's statement of reasons for allowance. This application has been reviewed by the examiner and meets all formal and substantive (i.e., statutory) requirements and the language of the claims is enabled by, and finds adequate descriptive supported in the application disclosure as originally filed.

The primary reason for the allowance of the claims is the presence of limitations in the independent claims, which are not found in the prior art references. The examiner believes that the record of the prosecution as a whole makes clear his reasons for allowing a claim or claims. However, the examiner would like to point out one or more specific reasons and/or limitations that the prior art fails to disclose and/or make obvious. Hence, with regard to independent claim 1, the prior art fails to disclose of a forward facing portion of the wing extending forward from the hinge connection, and a rearward facing portion of the wing extending rearwardly from the

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hinge connection. Claims 2-3, 4, 6, 9-10, and 15 are dependent upon claim 1. Independent claims 13 and 17-18 are allowed for the same reasons as presented by the language of claim 1. Claims 14 is dependent upon claim 13.

Conclusion

[6] THIS ACTION IS NON-FINAL

[7] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Sandy can be reached at (571) 272-7073. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Reese

/D. C. R./

Examiner, Art Unit 3677

/Robert J. Sandy/
Acting SPE of Art Unit 3677

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